

10/051,556

The applicant traverses the rejection of claims 1, 18, 19, 22, 35 and 36 under 35 USC 102(b) as being anticipated by Essick (6,491,073 B1). Section 102(b) provides that a person shall be entitled to a patent unless the invention was patented or described in a printed publication or in public use or on sale more than one year prior to the date of the application for patent. The Essick patent was issued on December 10, 2002, and the Examiner has provided no indication of an earlier publication, use or offer of sale. The non-provisional application for the present invention was filed on January 17, 2002, which is prior to the issuance of the Essick patent. Thus, the rejection under 35 USC 102(b) is not supported by the prior art and should be withdrawn.

Furthermore, the present application claims benefit of the filing date of provisional application 60/295,378 filed on June 1, 2001. Each of the pending independent claims is fully supported by the disclosure of the provisional application. The filing date of the application leading to the Essick patent was July 31, 2001. Thus, the Essick patent would not support a rejection of any of the claims of the present application under any subsection of 35 USC 102.

Accordingly, withdrawal of the rejection and allowance of all of the pending claims 1, 2, 4, 6-23, 35 and 36 are respectfully requested.



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